

EXHIBIT B

GARNISHMENT SUMMONS

Commonwealth of Virginia

Case No. 73346

LOUDOUN

Circuit Court

PO BOX 550 LEESBURG VA, 20178

COURT ADDRESS

JUDGMENT CREDITOR:

FIA CARD SERVICES, N.A.

JUDGMENT DEBTOR:

VIRGINIA M SAM

43053 KINGSPORT DR

LEESBURG VA 20176-3610

Telephone No.

JUDGMENT CREDITOR'S ATTORNEY:

GLASSER AND GLASSER, PLC.

580 EAST MAIN STREET SUITE 600

NORFOLK VA, 23510

Telephone No.

757-533-5555

Soc. Sec. No.

***-**-4684

Garnishee: FAIRFAX COUNTY FEDERAL CREDIT UNION

4201 MEMBERS WAY FAIRFAX, VA 22030

SERVE: OFFICER/MANAGING EMPLOYEE

July 6, 2012

2:00 pm

HEARING DATE AND TIME

This is a garnishment against (check only one)

☐ the judgment debtor's wages, salary or other compensation.☒ some other debt due or property of the judgment debtor, specifically,
ATTACH ANY AND ALL ACCOUNTSMAXIMUM PORTION OF DISPOSABLE EARNINGS
SUBJECT TO GARNISHMENT☐ Support☐ 50% ☐ 55% ☐ 60% ☐ 65%

(if not specified, then 50%)

☐ state taxes, 100%

STATEMENT:

Judgment Principal: \$ 26,751.89

Credits 0.00

Interest 0.00

Judgment Costs 963.00

Attorney's Fee 0.00

Garnishment Costs 73.50

TOTAL BALANCE DUE \$ 26,921.39

The garnishee shall rely on this amount.

December 3, 2010

DATE OF JUDGMENT

If none of the above are checked, then § 34-29(a) (on reverse) applies.

TO ANY AUTHORIZED OFFICER: You are hereby commanded to serve this summons on the judgment debtor and the garnishee.

TO THE GARNISHEE: You are hereby commanded to (1) file a written answer with this court, or (2) deliver payment to this court, or (3) appear before this court on the return date and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the garnishee.

As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of this summons on you and the date for your appearance in court, subject to the following limitations: (1) The maximum amount which may be garnished is the "TOTAL BALANCE DUE" as shown on this summons. (2) You shall not be liable to the judgment creditor for any property not specified in this garnishment summons. (3) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

If a garnishment summons is served on an employer having one thousand or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commission or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable time allowance for making a timely return by mail to this court.

APR 25 2012

DATE OF ISSUANCE OF SUMMONS

Gary M. Clemens

Clerk

by

DEPUTY CLERK

DATE OF DELIVERY OF WRIT OF FIERI FACIAS TO SHERIFF
IF DIFFERENT FROM DATE OF ISSUANCE OF THIS SUMMONS

WRIT OF FIERI FACIAS TO ANY AUTHORIZED OFFICER: You are commanded to execute this writ and to make from the intangible personal estate of the judgment debtor(s) the principal, interest, costs and attorney's fees, less credits, as shown in the Garnishment Summons. You are further commanded to make your return to the clerk's office according to law.

Homestead Exemption Waived? ☐ Yes ☐ No ☐ Cannot be demanded

Gary M. Clemens

Clerk

by

DEPUTY CLERK

APR 25 2012

DATE

The following statement is not the law but is an interpretation of the law which is intended to assist those who must respond to this garnishment. You may rely on this only for general guidance because the law itself is the final word. (Read the law, § 34-29 of the Code of Virginia, for a full explanation. A copy of § 34-29 is available at the Clerk's office. If you do not understand the law, call a lawyer for help.)

An employer may take as much as 25 percent of an employee's disposable earnings to satisfy this garnishment. But if any employees makes the minimum wage or less for his week's earnings, the employee will ordinarily get to keep 40 times the minimum hourly wage. But an employer may withhold a different amount of money from that above if:

- (1) The employee must pay child support or spousal support and was ordered to do so by a court procedure or other legal procedure. No more than 65 percent of an employee's earnings may be withheld for support;
- (2) Money is withheld by order of a bankruptcy court; or
- (3) Money is withheld for a tax debt.

“Disposable earnings” means the money an employee makes “after taxes” and after other amounts required by law to be withheld are satisfied. Earnings can be salary, hourly wages, commissions, bonuses, payments to an independent contractor, or otherwise, whether paid directly to the employee or not.

If an employee tries to transfer, assign or in any way give his earnings to another person to avoid the garnishment, it will not be legal; earnings are still earnings.

Financial institutions that receive an employee's paycheck by direct deposit do not have to determine what part of a person's earnings can be garnished.

RECEIVED

DATE AND TIME

STREETS

NOTE:

Return of Writ of Fieri Facias to be used if no effects found – otherwise, use appropriate sections of CC-1477, WRIT OF FIERI FACIAS.

[] NO EFFECTS FOUND

DATE.....

SHERIFF

DEPUTY SHERIFF

SERVING OFFICER

for

RETURNS: Each garnishee was served as indicated below, unless not found, with a copy of this summons and the exemption claim form.

**GARNISHEE FAIRFAX COUNTY FEDERAL
CREDIT UNION**

ADDRESS
4201 MEMBERS WAY

FAIRFAX VA 22030

TELEPHONE NUMBER:

<input type="checkbox"/> PERSONAL SERVICE	<input type="checkbox"/> FEDERAL SERVICE*
---	---

☐ Being unable to make personal service, a copy was delivered in the following manner:

[] Served on registered agent of the corporation. List name and title:

[] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

[] Served on Secretary of the Commonwealth.

☐ Served on the Clerk of the State Corporation Commission, pursuant to § 8.01-513.

[] Copy mailed to judgment debtor after serving the garnishee on date of service below unless a different date of mailing is shown.

DATE OF MAILING

[...] Not found

SERVING OFFICER

DATE _____ for _____

SERVING OFFICER

for

FORM CC-1426 (MASTER PAGE) 12/05

NOTICE TO JUDGMENT DEBTOR HOW TO CLAIM EXEMPTIONS FROM GARNISHMENT

The attached Summons in Garnishment or Notice of Lien has been issued on request of a creditor who holds a judgment against you. The Summons may cause your property or wages to be held or taken to pay the judgment.

The law provides that certain property and wages cannot be taken in garnishment. Such property is said to be exempted. A summary of some of the major exemptions is set forth in the request for hearing form. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the clerk's office of this court.

You have a right to a hearing within seven business days from the date you file your claim with the court. If the creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Summons in Garnishment attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

On the day of the hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

If you do not claim an exemption and do not otherwise contest the garnishment, you are not required to appear in court on the return date on the Garnishment Summons.

It may be helpful for you to seek the advice of an attorney in this matter.

THE REQUEST FOR HEARING FORM IS PRINTED ON THE SECOND PAGE OF THIS FORM.

**REQUEST FOR HEARING
GARNISHMENT EXEMPTION CLAIM**

Commonwealth of Virginia VA. CODE § 8.01-512.4

Case No.:

LOUDOUN CIRCUIT COURT
COURT NAME

FIA CARD SERVICES, N.A.
JUDGMENT CREDITOR

v.

VIRGINIA M SAM
JUDGMENT DEBTOR

and

FAIRFAX COUNTY FEDERAL CREDIT UNION
GARNISHEE

I claim that the exemption(s) from garnishment which are checked below apply in this case:

Major Exemptions Under Federal and State Law

- ☐ 1. Social Security benefits and Supplemental Security Income (SSI) (42 U.S.C. § 407).
☐ 2. Veterans' benefits (38 U.S.C. § 3101).
☐ 3. Federal civil service retirement benefits (5 U.S.C. § 8346)
☐ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
☐ 5. Longshore and Harborworkers' Compensation Act (33 U.S.C. § 916).
☐ 6. Black lung benefits.

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- ☐ 7. Seaman's or master's or fisherman's wages, except for child or spousal support and maintenance (46 U.S.C. § 11109).
☐ 8. Unemployment compensation benefits (§ 60.2-600, Code of Virginia). This exemption may not be applicable in child support cases (§ 60.2-308, Code of Virginia).
☐ 9. Amounts in excess of portions of wages subject to garnishment (§ 34-29, Code of Virginia).
☐ 10. Public assistance payments (§ 63.1-88, Code of Virginia).
☐ 11. Homestead exemption of \$5,000 in cash, or \$10,000 if the householder is 65 years of age or older. (§ 34-4, Code of Virginia). This exemption may not be claimed in certain cases, such as payment of child or spousal support (§ 34-5, Code of Virginia).
☐ 12. Property of disabled veterans - additional \$10,000 cash (§ 34-4.1, Code of Virginia).
☐ 13. Worker's Compensation benefits (§ 65.2-531, Code of Virginia).
☐ 14. Growing crops (§ 8.01-489, Code of Virginia).
☐ 15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).
☐ 16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).
☐ 17. Assignments of certain salary and wages (§ 55-165, Code of Virginia).
☐ 18. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).
☐ 19. Proceeds from funeral trusts (§ 54.1-2823, Code of Virginia).
☐ 20. Certain retirement benefits (§ 34-34, Code of Virginia).
☐ 21. Child support payments (§ 20-108.1, Code of Virginia).
☐ 22. Support for dependant children (§ 34-4.2, Code of Virginia). To claim this exemption, an affidavit that complies with the requirements of subsection B of § 34-4.2 and two items of proof showing entitlement to this exemption must be attached to this exemption form. (The affidavit, form DC-449, AFFIDAVIT CONCERNING DEPENDANT CHILDREN AND HOUSEHOLD INCOME, is available at www.courts.state.va.us/forms/district/civil.html or the clerk's office)
☐ 23. Other (describe exemption): \$

I request a court hearing to decide the validity of my claim. Notice of the hearing should be given to me at:

ADDRESS

TELEPHONE NUMBER

The statements made in this request are true to the best of my knowledge and belief.

DATE

SIGNATURE OF JUDGMENT DEBTOR

GARNISHEE INFORMATION SHEET

The following information sheet sets forth procedures which may apply when a garnishee determines the proper amount to be garnished.

I. Garnishment of monies other than earnings (wages, salaries, commissions);

Refer to the debt owed or property specified by the judgment creditor on the GARNISHMENT SUMMONS, and respond to garnishments based on the date shown on the GARNISHMENT SUMMONS on district court form DC-456, GARNISHEE'S ANSWER.

Financial Institutions may respond to a GARNISHMENT SUMMONS on district court form DC-456, GARNISHEE'S ANSWER.

- If the account is a joint account, list the names and addresses of all account owners.
- Certain exemptions from garnishment, which are listed on district court form DC-454, NOTICE TO JUDGMENT DEBTOR HOW TO CLAIM EXEMPTIONS FROM GARNISHMENT, REQUEST FOR HEARING - GARNISHMENT EXEMPTION CLAIM, attached to the GARNISHMENT SUMMONS, may apply.

II. Garnishment of earnings for each pay period:

First Step:

Determine what are the "disposable earnings" by calculating the gross earnings, then deducting from gross earnings those amounts required by law to be withheld, such as federal and state taxes and social security withholdings. In calculating disposable earnings, do not deduct other payroll deductions such as insurance premiums, savings plans or retirement contributions.

Second Step:

Determine the maximum amount that may be withheld from "disposable earnings." A description of this calculation is provided on the back of the attached GARNISHMENT SUMMONS. The following is a way to implement this part of the procedure:

On the front of the GARNISHMENT SUMMONS under "Maximum Amount of Disposable Earnings Subject to Garnishment," see which boxes have been checked to calculate the maximum amount subject to garnishment

- If support is checked, then multiply "disposable earnings" by the percentage checked underneath "support." If no box is checked, then use 50%.
- If "state taxes" is checked, then multiply "disposable earnings" by 100%.
- If none of the boxes are checked, use the table on the reverse side and, where a percentage is given, multiply "disposable earnings" by the applicable percentage.

Third Step:

Determine if other deductions for child support or other garnishments apply to the judgment debtor. Virginia Law requires that payments for support ordered by a court or by the Division of Child Support Enforcement must be deducted from the maximum amount of disposable earnings subject to garnishment as calculated above in the Second Step to determine the amount left for garnishments. (There may be none left.) After honoring child support deductions, garnishments are to be honored on the basis of the date shown on the GARNISHMENT SUMMONS as to when the writ of fieri facias was delivered to the sheriff.

III. File and GARNISHEE'S ANSWER so that the court receives your answer before the return date shown on the GARNISHMENT SUMMONS. The attached GARNISHEE'S ANSWER may be used for this purpose. If you deliver payment to the court by check, make it payable to the judgment creditor.

IV. Do not withhold funds from this garnishment after the hearing date and time specified in the top right hand corner of the GARNISHMENT SUMMONS, district court form DC-451. Any funds withheld as a result of a voluntary agreement between the judgment creditor and the judgment debtor after this garnishment has been concluded should be paid directly to the judgment creditor. Do not send these funds to the court.

AMOUNTS GARNISHABLE FROM "DISPOSABLE EARNINGS"
EFFECTIVE JULY 24, 2009

(wages, salaries, commissions, etc.) (\$7.25 per hour minimum wage)

	Paid Weekly	Paid Every Two Weeks	Paid Twice a Month **	Paid Monthly**
Disposable Earnings*	\$290 or less	\$580 or less	\$628.33 or less	\$1,256.66 or less
Amount Garnishable	Nothing	Nothing	Nothing	Nothing
Disposable Earnings*	\$290 to \$386.67	\$580 to \$773.33	\$628.33 to \$837.78	\$1,256.66 to \$1,675.55
Amount Garnishable	Amount above \$290	Amount above \$580	Amount above \$628.78	Amount above \$1,256.66
Disposable Earnings*	More than \$386.67	More than \$773.33	More than \$837.78	More than \$1,675.55
Amount Garnishable	25% of Amount	25% of Amount	25% of Amount	25% of Amount

* See front for definition of "Disposable Earnings."

** Amounts for twice a month and monthly pay periods are based on an average of 4 1/3 a weeks per month.

GARNISHEE'S ANSWER

Commonwealth of Virginia Va. Code § 8.01-515

To the Garnishee:

1. **Make checks payable to "Clerk of Circuit Court", P.O. Box 550, Leesburg, Virginia, 20178.**
2. Use this form for your answer/response.
3. Please record the **Case Number and Return/Hearing Date** on all checks and answers to be submitted to the Court.
4. Please mail checks or responses to the Court listed on the Garnishment Summons.

☐ Enclosed is a check made payable to the Clerk of Circuit Court for.....
which is the amount withheld from the judgment debtor.

☐ The garnishee holds no money or other property of the judgment debtor.

☐ The garnishee does not have sufficient information to reasonably identify the judgment debtor.

Explain:

☐ The judgment debtor was not employed by the Garnishee during the period from the service of the summons until the return date.

☐ The judgment debtor's wages, salary, other compensation, or other debt due or property of the judgment debtor, is not specified in the Garnishment Summons.

☐ The debtor's "disposable earnings" are less than the amount statutorily exempt from garnishment.

☐ The judgment debtor's correct Social Security number or taxpayer identification number is not shown on the summons, and the judgment debtor's name and address as shown on the garnishment summons do not match the name and current address of any person as shown on the current payroll records of the garnishee (payor of earnings).

☐ The garnishee is currently deducting the maximum amount for an existing summons:

DATED: _____ RETURN DATE: _____ FROM: _____ COURT _____

☐ The judgment debtor has filed a bankruptcy petition.

☐ The Judgment debtor account is: ☐ A solely owned account ☐ A joint account held with.....
of ADDRESS containing \$..... funds.

☐ The funds held by the garnishee consist solely of direct deposited federal benefits and are statutorily exempted from garnishment.
(Please specify the specific exemption; attach as necessary.)

DATE

SIGNATURE

(PRINT OR TYPE) NAME AND TITLE OF PERSON SIGNING THIS ANSWER

TO THE GARNISHEE OF PROPERTY OTHER THAN WAGES, SALARIES, COMMISSIONS OR OTHER EARNINGS:

If the summons contains either the social security number or taxpayer identification number of the judgment debtor, or the name and address of the judgment debtor, as either appears in your records, the summons shall be deemed to contain information sufficient to enable you to reasonably identify the judgment debtor. If sufficient or accurate information to enable you to reasonably identify the judgment debtor is provided, you shall (i) answer to the Court, (ii) state what your records show as the last known address for the judgment debtor, and any other information you deem relevant, and (iii) **send to the judgment debtor at the last known address** a copy of this Answer to the Court. This information can be provided on the reverse of this form.

☐ Required information is provided on the Reverse of this GARNISHEE'S ANSWER.

RETURNS DATE

7-6-2012

CASE NO.

CL73346

by **2:00 p.m.****GARNISHEE'S ANSWER**

FIA CARD SERVICES NA

JUDGMENT CREDITOR

V.

VIRGINIA M SAM

JUDGMENT DEBTOR

FAIRFAX COUNTY FEDERAL CREDIT UNION

GARNISHEE

COMPLETE AS LISTED ON GARNISHMENT SUMMONS:

LOUDOUN COUNTY CIRCUIT COURT

COURT NAME

P.O. BOX 550, LEESBURG, VA 20178

COURT ADDRESS

(703) 777-0270

COURT TELEPHONE NUMBER

ATTORNEY FOR GARNISHEE

515856

The Marston Agency, Inc.11535 Nuckols Road, Suite A
Glen Allen, VA 23059
(800) 308-7790 - (804) 967-9300 (Richmond)

05/01/12

RETURN ON SERVICE**Plaintiff:** FIA Card Services, N.A.
Defendant: Virginia M Sam
Serve: Virginia M Sam
43053 Kingsport Dr**Court:** Loudoun County Circuit Court
Case: 73346
Return Date: 07/06/12
Time: 02:00PM**Contact:** Leesburg, VA 20176
Glasser & Glasser, PLC
500 E. Main Street
Suite 830
Norfolk, VA 23510**Phone:** (757) 533-5555**Type(s) of Writ(s)**

paper:1431690

Garnishment Summons

Witness/Defendant Virginia M Sam was served according to law, as indicated below:

- ☐ **PERSONAL** By delivering a copy of the above described process in writing to him/her in person.
- ☐ **SUBSTITUTE** Being unable to make personal service and not finding the above mentioned person at his/her usual place of abode by delivering a copy of the said process and giving information of it's purport at his usual place of abode to _____ who is a member of his/her family and is the _____ of the above mentioned person, other than a temporary sojourner or guest, and who is the age of 16 years or older.
- ☒ **POSTED** Being unable to make a personal service and not finding the above mentioned person at his/her usual place of abode nor any member of his/her family the age of 16 years or older at said abode by posting a copy of such process at the front door or at such other door as appears to be the main entrance of such place of abode.
- ☐ **BUSINESS** At usual place of business or employment during business hours, by delivering the above specified paper(s) and giving information of it's purport to the person found there in charge of such business or place of employment.
- ☐ Copy mailed to judgement debtor on the date below after serving the garnishee unless a different date is shown below.
- ☐ Certified Mail
- ☐ Not Found
- ☐ Served on Secretary of the Commonwealth

I, Stephen Ship hereby certify under penalty of perjury that I am over the age of 18 and not a party or otherwise interested in the subject matter in controversy.**Served Date:**5/14/12 **Served Time:**

11:15

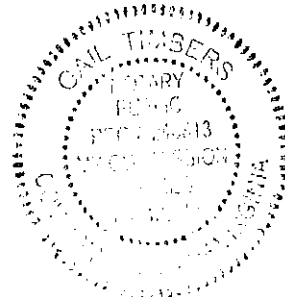
Signature of Process Server**Notary****State of:** Virginia**County City of:** ~~Henrico, Norfolk, Prince William.~~I, the undersigned, a Notary Public in and for the above-mentioned jurisdiction, hereby certify that before me appeared the Process Server, who, under oath, stated that service was made as stated above. Sworn and subscribed before me this 15 day of May Jun 2012**Notary Public:****Type of Service:** A **Auth Attempts:** 1 **Order:** 269339 **1 Day Rush:** No **2 Day Rush:** No
Attempts **-1-** **-2-** **-3-** **-4-** **-5-** **-6-**

Date:						
Time:						
Server:						

REMARKS -

EFC

COPIED IN 11/11/12



The Marston Agency, Inc.
11535 Nuckols Road, Suite A
Glen Allen, VA 23059
(800) 308-7790 - (804) 967-9300 (Richmond)
RETURN ON SERVICE

05/1

Plaintiff: FIA Card Services, N.A.
Defendant: Virginia M Sam
Serve: Fairfax County Federal Credit Union
4201 Members Way
Fairfax, VA 22030
Contact: Glasser & Glasser, PLC
500 E. Main Street
Suite 830
Norfolk, VA 23510
Court: Loudoun County Circuit Court
Case: 73346
Return Date: 07/06/12
Time: 02:00PM
Phone: (757) 533-5555

Type(s) of Writ(s)

paper:1431692

Garnishment Summons

Witness/Defendant Fairfax County Federal Credit Union was served according to law, as indicated below:

- () **PERSONAL** By delivering a copy of the above described process in writing to him/her in person.
() **SUBSTITUTE** Being unable to make personal service and not finding the above mentioned person at his/her usual place of abode by delivering a copy of the said process and giving information of it's purport at his usual place of abode to _____ who is a member of his/her family and is the _____ of the above mentioned person, other than a temporary sojourner or guest, and who is the age of 16 years or older.
() **POSTED** Being unable to make a personal service and not finding the above mentioned person at his/her usual place of abode nor any member of his/her family the age of 16 years or older at said abode by posting a copy of such process at the front door or at such other door as appears to be the main entrance of such place of abode.
(X) **BUSINESS** At usual place of business or employment during business hours, by delivering the above specified paper(s) and giving information of it's purport to the person found there in charge of such business or place of employment.
(X) Copy mailed to judgement debtor on the date below after serving the garnishee unless a different date is shown below.
() Certified Mail
() Not Found
() Served on Secretary of the Commonwealth

I, Stephan Shipp hereby certify under penalty of perjury that I am over the age of 18 and not a party or otherwise interested in the subject matter in controversy.

Served Date: 5/12/12 **Served Time:** 9:30

Signature of Process Server

Notary

State of: Virginia County/City of: Henrico, Norfolk, Prince William.

I, the undersigned, a Notary Public in and for the above-mentioned jurisdiction, hereby certify that before me appeared the Process Server, who, under oath, stated that service was made as stated above. Sworn and subscribed before me this 20 day of May/June 2012

Notary Public:

Type of Service: A Auth Attempts: 1 Order: 269339 1 Day Rush: No 2 Day Rush: No
Attempts -1- -2- -3- -4- -5- -6-

Date:						
Time:						
Server:						

REMARKS -

Debra Johnson / A.S.S.
epc

